

### **REMARKS**

This response is intended as a full and complete response to the final Office Action mailed on December 24, 2008. In the Office Action, the Examiner notes that claims 1-3, 6, 7 and 10-21 are pending and rejected. Applicants herein amend claims 1, 19 and 20 to incorporate the limitations of dependent claim 6 and additional limitations found in the Applicants' specification. Support for the amendments may be found in the specification on at least page 25, line 27 – page 26, line 17. Accordingly, claim 6 is canceled without prejudice.

In view of the above amendments and following remarks, Applicants respectfully traverse the rejection and submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all the claims are allowable.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

### **REJECTION OF CLAIMS 1-3, 6-7 AND 10-21 UNDER 35 U.S.C. §103**

The Examiner has rejected claims 1-3, 6-7 and 10-21 under 35 U.S.C. §103(a) as being unpatentable over Pandya et al. (USPN 6,671,724, hereinafter "Pandya") in view of Nouri et al. (USPN 6,065,053, hereinafter "Nouri") in view of Jones et al. (USPN 6,687,335, hereinafter "Jones") in further view of Vaid et al. (USPN 6,502,131, hereinafter "Vaid").

Applicants' independent claims 1, 19 and 20 recite:

1. A method for monitoring, from a remote location comprising a monitor and control unit, operations of a head-end in an information distribution system, the method comprising:  
receiving at the monitor and control unit status from the head-end relating to operations performed at the head-end;

displaying, via a graphical user interface, at the monitor and control unit the status from the head-end relating to operations performed at the head-end including at least a video bit rate;

providing, via the graphical user interface, a user configurable menu to define error conditions;

providing, via the graphical user interface, an option to activate an audible alert when error conditions are detected;

receiving identities of a plurality of remote devices designated to receive status from the head-end via the monitor and control unit;

receiving an indication of capabilities of each remote device of the plurality of remote devices designated to receive status, wherein said indication of capabilities indicates a type of message format each remote device of the plurality of remote devices is capable of receiving including at least one of: text, graphics, audio or video;

forwarding at least a subset of the received status from the monitor and control unit to the plurality of remote devices, wherein status are forwarded to each remote device of the plurality of remote devices in conformance with the indicated capabilities;

receiving a response message from a particular remote device at the monitor and control unit; and

forwarding the response message to a responsible entity in a targeted head-end selected from a plurality of head-ends, wherein the received response message from the particular remote device includes a command to adjust at least one parameter of a particular operation performed at the targeted head-end. (Emphasis added).

19. A method for monitoring, from a remote location, operation of a head-end in an information distribution system, the method comprising:

at the remote location, receiving information from the head-end relating to one or more operations performed at the head-end, wherein the received information includes status and indications of possible error conditions relating to the one or more operations performed at the head-end;

displaying, via a graphical user interface, at a monitor and control unit the received information including at least a video bit rate;

providing, via the graphical user interface, a user configurable menu to define error conditions;

providing, via the graphical user interface, an option to activate an audible alert when error conditions are detected;

receiving, at the remote location, identities and indications of capabilities of one or more remote devices designated to receive the information relating to the one or more operations performed at the head-end; and

forwarding at least a subset of the received information from the remote location to the one or more remote devices in conformance with the indicated capabilities, wherein said indication of capabilities indicates

a type of message format each one of said one or more remote devices is capable of receiving including at least one of: text, graphics, audio or video;

receiving a response message from a particular remote device at the monitor and control unit; and

forwarding the response message to a responsible entity at a targeted head-end selected from a plurality of head-ends, wherein the received response message from the particular remote device includes a command to adjust at least one parameter of a particular operation performed at the targeted head-end. (Emphasis added)

20. A method for remotely monitoring and controlling operation of a head-end in an information distribution system, comprising:

maintaining identities and indications of capabilities of one or more remote devices designated to receive information relating to one or more operations performed at the head-end, wherein said indication of capabilities indicates a type of message format each one of said one or more remote devices is capable of receiving including at least one of: text, graphics, audio or video;

displaying, via a graphical user interface, at a monitor and control unit the received information including at least a video bit rate;

providing, via the graphical user interface, a user configurable menu to define error conditions;

providing, via the graphical user interface, an option to activate an audible alert when error conditions are detected;

providing, from a remote location to one or more remote devices, status from the head-end relating to one or more operations performed at the head-end in conformance with the indicated capabilities;

receiving, at the remote location, from a particular remote device one or more response messages at the monitor and control unit; and

adjusting at least one parameter of a particular operation performed at a responsible entity at a targeted head-end selected from a plurality of head-ends in accordance with the one or more response messages. (Emphasis added).

The present invention is directed, in part, toward a method to allow personnel with a remote device such as a cell phone or pager to receive a status from the head-end via a monitor and control unit and to send a response message back from the remote device to the head-end via the monitor and control unit. In one embodiment, the monitor and control unit may receive an indication of capabilities of each remote device of the plurality of remote devices designated to receive status, wherein said indication of capabilities indicates a type of message format each remote device of the plurality of remote devices is capable of receiving including at least one of: text,

graphics audio or audio. (See e.g., Applicants' specification p. 25, l. 27 – p. 26, l. 17). Thus, the monitor and control unit may know how to format messages for each respective remote device.

The Examiner points to some various sections of Pandya with respect to previous dependent claim 6. For example, the Examiner points to Pandya column 13, lines 9-23 and column 19, lines 25-31 as allegedly teaching wherein said indication of capabilities indicates a type of message format each remote device of the plurality of remote devices is capable of receiving including at least one of: text, graphics, audio or video. Notably, column 13, lines 9-23 of Pandya only discuss popapps and column 19, lines 25-31 also mentions popapps and that messages concerning resource status or network conditions may be provided via email or paging to IT personnel. Notably, nowhere does Pandya teach tracking the message formats that remote devices are capable of receiving such as text, graphics, audio or video. Thus, unlike the Applicants' invention, Pandya does not necessarily ensure that the remote IT personnel will receive a message in a proper format that the IT personnel can read or see via a respective remote device. Moreover, Nouri, Jones and Vaid fail to bridge the substantial gap left by Pandya.

Consequently, at least for the reasons provided above above, Applicants respectfully submit that Pandya, Nouri, Jones and Vaid alone or in combination do not teach Applicants' invention of at least independent claims 1, 19 and 20 as a whole and, as such, claims 1, 19 and 20 are not obvious in view of Pandya, Nouri, Jones and Vaid. It is believed that independent claims 1, 19 and 20 are allowable under 35 U.S.C. §103.

Furthermore, dependent claims 2-3, 7, 10-18 and 21 depend directly or indirectly from independent claims 1, 19 and 20 and recite additional limitations thereof. As such and for at least the same reasons discussed above with respect to independent claims 1, 19 and 20, Applicants submit that these dependent claims are also non-obvious and patentable over Pandya, Nouri, Jones and Vaid under 35 U.S.C. §103. Therefore, Applicants respectfully request that the rejection be withdrawn.

**CONCLUSION**

Applicants submit that claims 1-3 and 7, 10-21 are in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring maintenance of the present final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall so appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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